

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

Case No. 0:18-cv-01776-JRT-HB

Case No. 0:21-cv-02998-JRT-HB

This Document Relates To:

Action Meat Distributors, Inc., et al. v. Agri Stats, Inc., et al, Case No. 0:21-cv-01454 (D. Minn.); and

Giant Eagle, Inc. v. Agri Stats, Inc., et al, Case No. 0:21-cv-01874 (D. Minn.)

**STIPULATION FOR DISMISSAL WITH PREJUDICE OF CLAIMS
BY THE *ACTION MEAT* DIRECT ACTION PLAINTIFFS
AND DIRECT ACTION PLAINTIFF GIANT EAGLE, INC.
AGAINST DEFENDANT SMITHFIELD FOODS, INC.**

The Direct Action Plaintiffs in the above-styled actions (further identified below) and Defendant Smithfield Foods, Inc. stipulate to the following and respectfully request this Court's approval of their stipulation:

1. This Stipulation is between Direct Action Plaintiffs Action Meat Distributors, Inc., Alex Lee, Inc., Merchants Distributors, LLC, Associated Food Stores, Inc., Brookshire Grocery Company, Certco, Inc., Colorado Boxed Beef Co. f/k/a CBBC Opco LLC, The Distribution Group, Inc. d/b/a Van Eerden Food Service, Golub Corporation, Nicholas & Co., Inc., PFD Enterprises, Inc. d/b/a Pacific Food Distributors, Inc., SpartanNash Company, Springfield Grocer Company d/b/a SGC Foodservice Company, Inc., Topco Associates, LLC, Troyer Foods, Inc., Unipro Food Service, Inc., and URM Stores, Inc. (collectively, the "*Action Meat* Plaintiffs"), Direct Action Plaintiff Giant Eagle, Inc. ("Giant Eagle"), and Defendant Smithfield Foods, Inc. ("Smithfield").

2. This Stipulation relates only to the *Action Meat* Plaintiffs’ and Giant Eagle’s claims in *In re: Pork Antitrust Litigation*, Case No. 0:18-cv-01776-JRT-HB, *In re: Pork Antitrust Litigation*, 0:21-md-02998-JRT-HB (MDL No. 2998), *Action Meat Distributors, Inc., et al. v. Agri Stats, Inc., et al.*, Case No. 0:21-cv-01454-JRT-HB, and *Giant Eagle, Inc. v. Agri Stats, Inc., et al.*, Case No. 0:21-cv-01874-JRT-HB (collectively referred to as the “Actions”).

3. In accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the *Action Meat* Plaintiffs, Giant Eagle, and Smithfield stipulate and agree to the dismissal, with prejudice, of the *Action Meat* Plaintiffs’ and Giant Eagle’s claims asserted against Smithfield in the Actions with each party bearing its own attorneys’ fees and costs.

4. This Stipulation of Dismissal, with prejudice, does not apply to and has no bearing on any plaintiff or defendant in the Actions other than the *Action Meat* Plaintiffs, Giant Eagle, and Smithfield.

Dated: August 31, 2023

Respectfully submitted,

/s/Robert N. Kaplan
KAPLAN FOX & KILSHEIMER, LLP
Robert N. Kaplan
Gregory K. Arenson
Matthew P. McCahill
800 Third Avenue, 38th Floor
New York, New York 10022
Telephone: (212) 687-1980
Email: rkaplan@kaplanfox.com
Email: garensen@kaplanfox.com
Email: mmccahill@kaplanfox.com

LIFVENDAHL LAW, LLC
Eric R. Lifvendahl
265 Latrobe Avenue
Northfield, IL 60093
Telephone: (847) 830-7002
Email: eric@liflaw.com

THE COFFMAN LAW FIRM

Richard L. Coffman
3355 West Alabama, Suite 240
Houston, Texas 77098
Telephone: (713) 528-6700
Email: rcoffman@coffmanlawfirm.com

MARCUS & SHAPIRA LLP

Bernard D. Marcus
Moira Cain-Mannix
One Oxford Center, 35th Floor
Pittsburgh, PA 15219
Telephone: (412) 471-3490
Email: marcus@marcus-shapiro.com
Email: cain-manni@marcus-shapira.com

*Counsel for the Action Meat Plaintiffs
and Giant Eagle, Inc.*

/s/ Richard Parker

Richard Parker (*pro hac vice*)

MILBANK LLP

1850 K St. NW
Washington, DC 20006
Telephone: (202) 835-7530
Email: rparker@milbank.com

/s/ Brian Robison

Brian Robison (*pro hac vice*)

BROWN FOX PLLC

6303 Cowboys Way, Suite 450
Frisco, Texas 75034
Telephone: (972) 707-1809
Email: brian@brownfoxlaw.com

Counsel for Smithfield Foods, Inc